

REMARKS

The Office Action mailed March 17, 2006 has been carefully reviewed and the following remarks have been made in consequence thereof.

Claims 1-18 are now pending in this application.

Reconsideration of the restriction requirement imposed under 35 U.S.C. § 121 is respectfully requested.

A restriction to either the invention of Group I, consisting of claims 1-6, 13-14, and 16-18 drawn to control of refrigerant flow to a plurality of evaporators, classified in Class 62, subclass 199, and the invention Group II, consisting of claims 7-12, drawn to fan control, classified in Class 62, subclass 179, was imposed. In response, Applicants elect with traverse to prosecute the invention of Group I, claims 1-6, 13-14, and 16-18.

The requirement for election is traversed because the inventions as in Groups I and II are clearly related. A thorough search and examination of one Group would be relevant to the examination of the other Group.

Regarding Groups I and II, the Office Action notes that "the invention of Group I as recited in claim 13 has separate utility such as in a system that does not have the activation of the freezer fan until ^{dtz} reduces to a first predetermined temperature difference of Group II and the invention in Group II as recited in claim 7 has a separate utility such as in a system that does not have the three-way valve having three operational positions of Group I." Applicants note, however, that the language of Claims 7 and 13 are drawn to a refrigerator. Applicants respectfully submit that it is evident that the claims of Groups I and II have an overlapping nature such that a search and examination of Groups I and II can be made without serious burden. MPEP section 803 states that if "the search and examination of an entire application can be made without serious burden, the examiner *must* examine it on the merits, *even though it includes claims to independent or distinct inventions*" (emphasis added). Applicants respectfully submit that the search and examination of the entire

application (Groups I and II) can be made without serious burden. For the reasons set forth above, Applicants respectfully request examination of Groups I and II.

In addition, requirements for restriction are not mandatory under 35 U.S.C. § 121. Accordingly, reconsideration of the restriction requirement is requested.

Respectfully Submitted,

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